

AMENDMENT TO AGREEMENT BETWEEN ATLAS FOSTER REAL ESTATE
HOLDINGS, LLC AND THE CITY OF DURHAM FOR BUILDING IMPROVEMENT
INCENTIVES FOR ECONOMIC DEVELOPMENT ACTIVITIES

This contract amendment ("Amendment") is dated and entered into as of the _____ day of _____, 20____, between Atlas Foster Real Estate Holdings, LLC (hereinafter, the "Company") and City of Durham ("City").

The City and the Company entered into a contract titled "Agreement Between Atlas Foster Real Estate Holdings, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities," dated December 19, 2011. That contract is referred to as the "Original Contract." The Original Contract referenced a completion date of no later than one year following the "Approval Date." The City Council approved the Original Contract on December 19, 2011. The Company will be unable to complete the required work by December 19, 2012 due to state regulatory agency delays in completing necessary environmental cleanup/mitigation on the site, a former dry cleaning business. The Original Contract is hereby amended as follows:

1. In Section 2(a), *Prerequisites to Payments*, after "Qualifying Capital Investment", delete the phrase, "within one year of the Approval Date, for a project begun no later than 9 months following the Approval Date" and insert "no later than December 19, 2013."

IN WITNESS THEREOF, the City and the Company have caused this contract amendment to be executed under seal themselves or by their respective duly authorized agents or officers.

CITY OF DURHAM

ATTEST:

_____ By: _____

Preaudit Certificate, if required:

Amendment to Agreement Between Atlas Foster Real Estate Holdings, LLC and the City of Durham for Building Improvement Incentives for Economic Development Activities

ATLAS FOSTER REAL ESTATE
HOLDINGS, LLC

By: _____
Manager

State of _____

ACKNOWLEDGMENT BY ATLAS
FOSTER REAL ESTATE HOLDINGS,
LLC

County of _____

I, a notary public in and for said county and state, certify that
_____ personally (1) appeared before me this day,
(2) stated that he or she is a manager of Atlas Foster Real Estate Holdings, LLC a limited
liability company organized and existing under the laws of the State of North Carolina,
(3) acknowledged that the foregoing contract or agreement with the City of Durham
carries on the company's business in the usual way, and (4) acknowledged the due
execution of the contract on behalf of the company. This the _____ day of
_____, 20_____.

My commission expires:

Notary Public